

Appl. No. 09/922,595
Amdt. Dated December 2, 2003

REMARKS/ARGUMENTS

The Examiner required a restriction of the Application to what she believed to be two separate inventions, the first one covering Claims 1-11 and 17-36, drawn to an improved leather article and improved glove, shoe, garment, upholstered item and luggage item made of improved leather, and Claims 12-16, drawn to a method for making an improved leather article. Applicant confirms its provisional election without traverse to prosecute the Claims directed to the first group of Claims, i.e., Claims 1-11 and 17-36, and agrees to the withdrawal of Claims 12-16. The Withdrawal of Claims 12-16 is noted in the Amendment of Claims section.

The Examiner rejected Claims 1-5, 11 and 17-36 under 35 U.S.C. § 102(b) as being anticipated by Nakamae, et al, US Patent No. 4,426,421. The Examiner also rejected Claims 6-8 under 35 U.S.C. § 103(a) over the combination of the Nakamae, et al, and further review of Spies, et al, US Patent No. 4,696,999. Claim 9 was rejected under 35 U.S.C. § 103(a) as obvious over Nakamae, et al, and further view of Spies, et al. and Magata. Finally, the Examiner rejected Claim 10 as obvious over Nakamae, et al, in combination with the Wildbore, et al, US Patent No. 6,555,490. Applicant respectfully traverses the rejection of each of these Claims in view of the above amendments to the various Claims and the remarks to follow.

First, it is noted that Claim 1, as well as other independent Claims 17, 21, 25, 29 and 32

have been amended to include the limitations of their immediately subsequent claim. These subsequent Claims correspond generally to Claim 2, specifying the manner in which the fiber matrix and leather are coupled to each other in a fashion which imparts the favorable characteristics to the leather. The subsequent claims 2, 18, 22, 26, 30 and 34 have, accordingly, been cancelled. These changes were made to clarify the nature of the coupling between the leather and fiber matrix which provides the improved leather or improved product form of the leather.

It is respectfully submitted that the Nakamae, et al, reference, while of interest, is generally unrelated to the subject matter claimed in independent Claim 1 and the subsequent independent Claims. For brevity of explication, we will limit our description to Claim 1, but similar comments are appropriate and relevant to the subsequent independent claims as well.

Applicant's invention, as claimed in Claim 1, includes two main components of which one is a leather which has an internal matrix. The nature of leather, which is well known in the art, is one in which the natural fibers of the leather form an internal matrix which provides much of the favorable characteristics of leather, as well as many of the limitations associated with different types of leather. Generally, some leathers are tanned so as to have a soft finish or strength or abrasion resistance or other characteristics. However, generally treatment to provide enhanced qualities of one sort has the effect of reducing or failing to augment other features associated with leather.

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Thus, a leather which is made particularly thin so as to be flexible and provide a smooth, soft feel, may be relatively weak or have poor abrasion resistant qualities. Similarly, certain types of leathers have desirable characteristics, but suffer from other problems. Accordingly, in Applicant's invention, the introduction and coupling of the fiber matrix to the leather such that the fiber matrix pierces the leather in many locations and interlocks with other fibers, both within the internal matrix of the leather and on a surface of the leather, provides enhanced characteristics to the leather. Some of these additional characteristics are recited in the dependent Claims and this element is disclosed in the Specification of the Application. By bonding the fiber matrix to the leather through the piercing of the leather in many locations with a fiber matrix having appropriate characteristics, a wide variety of enhancements to the leather can be achieved.

In sharp contrast, the primary Nakamae, et al reference is remote in many aspects from Applicant's invention and clearly does not anticipate nor make obvious Applicant's invention as recited in Claim 1 as amended. The Nakamae, et al reference is intended not as a way to improve a leather by enhancing the fiber structure of the internal matrix of the leather through introduction of a fiber matrix which pierces the leather in many locations and interlocks with other fibers, both within and without the internal matrix of the leather. Nakamae, et al discloses a backing layer which is used as a support to make a synthetic leather and is not related to a leather itself. Rather,

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the Nakamae, et al Patent discloses a three or four layer, multilayered composite sheet useful as the substrate for an artificial leather. This substrate is the base upon which the polymeric material forming the leather-like structure and surface of the artificial leather is added. No disclosure related to an augmentation of the leather, or even the artificial leather by introducing fibers of a fiber matrix piercing the leather and interlocking within the internal matrix of the leather is disclosed. It is not believed, parenthetically, that the artificial has an internal fiber matrix as does natural leather. However, this point is not critical to the distinctions herein. Nakamae, et al merely discloses that needle punching can be utilized to attach a superficial layer and a base layer through use of an intermediate layer having specified fiber characteristics through a needle punching or water stream connection approach. Applicant does not claim a needle punching or water stream connection system. Rather, the Claims are directed to the improved leather, which is improved by the combination of the leather and the fiber matrix as now more clearly and affirmatively recited in Claim 1 as amended. We note that Applicant's invention is not directed to a multi-layered fabric, nor does it have anything to do with artificial leather. Instead, it enhances the characteristics of genuine leather by supplementing the natural leather fiber structure with fibers of superior virtue through inserting them into the leather and not layering them as is the case of the Nakamae, et al reference. Accordingly, it is respectfully submitted that the Nakamae, et al reference fails to

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disclose or suggest the improved leather clearly and affirmatively recited in Claim 1 (and the other independent Claims) as amended and notice of the allowability of these Claims is earnestly solicited. We note that each of the remaining Claims are dependent from one or more of the independent Claims discussed above, and, therefore, would be allowable in their own right and as depending from these allowable independent Claims.

We briefly discuss each of the secondary references noted by the Examiner, which we believe are even less pertinent than the Nakamae, et al reference discussed above. The Spies, et al reference, is directed to a process for the production of polybenzamides with halide catalyst. The Examiner points in particular to column 3, lines 7-10 for the suggestion that the fibers exhibit high temperature and tear resistance, while having a degree of wear by extreme strain, (although the intended use noted in the Spies, et al reference is in aircraft construction, rather than leather.) Certainly, there is no suggestion anywhere in the Spies, et al reference that the process disclosed therein or the material resultant from that process has any suitability for a combination fiber matrix to be introduced into the internal matrix of leather by piercing the leather in many location and interlocking with other fibers. Absence such a suggestion either in the Spies, et al or Nakamae, et al references, such combination would be inappropriate. Accordingly, we believe that the Spies, et al reference is not relevant to any of the Claims in this action.

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Next, the Examiner sites the Magata Patent (US Patent No. 5,466,526) directed to a Far Infrared Radiant Composite Fiber Containing Metal as disclosing that the far infrared radiation released from metal oxides is emitted in close contact with the human body to provide warmth. The Examiner suggests that it would have been useful to interpose that far infrared composite fiber into the intermediate non-woven layer of Nakamae, et al. This, again, relates back to the inapplicability of the Nakamae, et al teachings, which are not relevant to the structure of the improved leather disclosed and claimed in Applicant's Claim 1 and subsequent independent Claims. The only motivation for providing such a combination would be Applicant's own disclosure as such suggestion is not found in either the Magata or Nakamae, et al references.

Finally, the Wildbore, et al. reference, directed to a lining material is cited by the Examiner for teaching a non-woven lining article having grooved or multi-lobe cross-sectional fibers for improved wicking. It is difficult to image how the Wildbore, et al Patent directed to a lining material for footwear would teach the piercing of certain fibers into the internal matrix of leather to provide wicking properties. Applicant is not claiming the invention of wicking materials which may be utilized in that fashion. Rather, Applicant's Claims directed to this feature are related to wicking in the context of the improved leather with fibers pierced into and interlocking with other fibers, both within the internal matrix of the leather and on a first surface of the leather. Accordingly, the

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Wildbore, et al reference is no more relevant to the patentability of the Application than the other references cited herein.

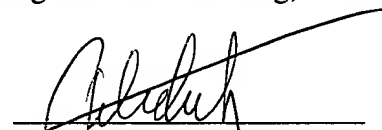
Accordingly, Applicant has made a diligent effort to place this Application in condition for allowance and notice to this effect is earnestly solicited.

If the Examiner is unable to issue an immediate Notice of Allowance, she is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Office Action so that resolution of any open issues may be resolved without the need for further action.

Respectfully submitted,

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